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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,346

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Hubert Verelst

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

3727

MAIL DATE

DELIVERY MODE

03/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,346

Applicant(s)

VERELST ET AL.

Examiner

Gary K. Graham

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5,6,8,11,15,16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,8,11,15,16 and 18-26 is/are allowed.
- 6) ☒ Claim(s) 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Egner-Walter et al (German patent 3709810).

The patent to Egner-Walter discloses the invention as is claimed, including a wiper lever (figs.1,2) having a driven wiper arm (12) supporting a wiper blade (1). The wiper blade includes a band-like, elastic support element (10) supporting a rubber wiper strip (19,21). A component (30) is provided on an upper surface of the support element and includes a shaft (32) to which an adapter (33) is coupled to provide an articulated connection between the arm (12) and blade (1). An elastic, plastic cap (36) covers the articulated connection and is locked to the supporting element of the wiper blade via bead (37) engaging on a bead (35) of the component (30). Note that the cap accommodates the entire adapter (33). The bead (37) appears as locking lugs at the front, rear and sides of the component (30). The lugs of the cap form shoulders which engage with shoulders formed by the lugs of the bead or flange (35) at the front, rear and sides of the component (30).

The patent to Wright discloses a wiper lever (figs.26,29) comprised of a wiper arm (33) supporting a wiper blade (10). Wright discloses curving the support element (14,31) of the wiper blade (10) along the longitudinal length. Wright also suggests that the supporting element be shaped with wind deflector strip sections (96,97) on both sides of the component (15).

With respect to claims 27 and 28, note that only a cap having lugs with shoulders is being claimed. The component or supporting element do not make up or form the cap and do not appear significant to the claims, at least as far as claimed. The cap of Egner-Walter is considered to have lugs which form shoulders. Such could be used in any manner, including as is claimed.

Allowable Subject Matter

Claims 2, 5-6, 8, 11, 15, 16 and 18-26 are allowed.

Response to Arguments

Applicant's arguments filed 23 December 2008, with respect to claim 27, have been fully considered but they are not persuasive.

Applicant advances the arguments made with respect to claim 20 for claim 27, however such do not overcome the above rejection. Claim 27, with distinction from claim 20, is directed solely to a cap with lugs having shoulders. No particular connection or engagement with a support element or component is required by this claim. As set forth above, Egner-Walter discloses a cap (36) with latching lugs (37) formed at the front, rear and sides when engaging the component (30). Note that these lugs can be used in any manner so desired, including as claimed. Further note that the lugs are

not required to connect to the support element since such is not part of the claimed cap. The lugs clearly form shoulders (see figures 1,2) which engage shoulders on counter lugs (35) on the component (30). Applicant's argument that the component (37) of Egner-Walter is not a latching lug is noted but not persuasive. Applicant argues that the flange of Egner-Walter is not comparable to a latching lug, the action of which is restricted to a small region. Note that no particular extend for the lugs has been set forth in claim 27. Thus, reference to a "small" region has no clear meaning. Additionally, the term "lug" appears to only suggest some type of projection or ridge. Clearly the flange of Egner-Walter can be considered to form a projection or ridge and is thus reasonably a "lug". Note that such lugs are formed at the front, rear and sides of the component (30).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727